



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK
REGIONAL OFFICE

September 9, 2022

VIA ECF

Hon. Analisa Torres
United States District Judge
Southern District of New York

Re: SEC v. Ripple Labs, Inc. et al., No. 20-cv-10832 (AT) (SN) (S.D.N.Y.)

Dear Judge Torres:

Pursuant to the Court’s August 9, 2022 Order (D.E. 586), Plaintiff Securities and Exchange Commission (“SEC”) respectfully submits this motion to seal certain portions of the parties’ August 30, 2022 reply briefs, and attachments thereto, in support of their motions to exclude expert testimony (the “Exclusion Motions”).

As the SEC did for the Exclusions Motions (D.E. 565) and the parties’ responses to those motions (D.E. 603), the SEC now seeks to seal certain portions of the parties’ reply briefs that contain information identifying the SEC’s expert witnesses (the “SEC Experts”). The filings containing information the SEC now moves to seal are: Defendants’ reply briefs in support of their Exclusion Motions Exs. A-E (D.E. 608, 610, 612, 613, 614) and supporting declarations Exs. F-G (D.E. 609, 611); and the SEC’s reply brief in support of its Exclusion Motion Ex. H (D.E. 615). Each of the documents the SEC now seeks to have filed under seal is attached as an exhibit to this motion with the SEC’s proposed redactions highlighted in yellow.

The SEC’s proposed redactions are intended to protect the identities of the SEC Experts. Those redactions are appropriate for the reasons set forth in the SEC’s July 22, 2022 Motion to Seal certain portions of the Exclusion Motions. (D.E. 565). The Court previously granted a similar application to redact the names of two SEC Experts and held that such redaction is “narrowly tailored to serve interests of witness safety.” D.E. 529 at 5; *see also* D.E. 554 (redaction of names of two SEC Experts is “narrowly tailored” to preserve the ‘higher values’ identified by the parties”) (quoting *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 124 (2d Cir. 2006)). In order to protect the SEC Experts’ identities, the SEC seeks to redact not only their names, but also the name of one of the SEC’s Expert’s companies and references to a court case in which that Expert testified that would allow the Expert’s name to be readily determined.

Defendants objected (D.E. 569) to the SEC’s July 22 sealing motion. However Defendants did not file a response to the SEC’s motion to seal the Exclusion Motion responses (D.E. 603), which sought to redact similar identifying information about the SEC’s Experts as requested herein.

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For the above reasons, the SEC respectfully requests that the Court grant this motion, and allow the requested portions of the parties' August 30, 2022 Exclusion Motion reply briefs, and attachments thereto, to remain sealed.

Respectfully submitted,

/s/ Pascale Guerrier

Pascale Guerrier

cc: Counsel for All Defendants (*via* ECF)